



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,840	03/23/2001	Christian Aasland	ROC920000203US1	6911

7590 09/15/2003

Gero G. McClellan
Thomason, Moser & Patterson, L.L.P.
3040 Post Oak Boulevard, Suite 1500
Houston, TX 77056-6582

EXAMINER

PORTKA, GARY J

ART UNIT	PAPER NUMBER
----------	--------------

2188

DATE MAILED: 09/15/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,840

Applicant(s)

AASLAND, CHRISTIAN

Examiner

Gary J Portka

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-25 are presented for examination.

Claim Objections

2. Claim 1 is objected to because of the following informalities: At line 14 of the claim, "the reference media block" appears to have improper antecedent basis because the reference media block was removed, perhaps this should state "a new reference media block". This objection also applies to the next to last line of claims 11 and 16. Claim 11 is also objected to at line 8, where "the active window table" lacks proper antecedent basis, note that the other claims had previously recited "creating an active window table". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nemes, U.S. Patent 5,893,120.
5. As to claims 1, 11, and 16, Nemes discloses a method and apparatus (Fig. 1, 3, and 4) including creating an active window table (hash table, see col. 5 lines 34-57), identifying media blocks (records) in the table that have expired (38, Fig. 3), determining if any identified block is the oldest in the set (52, Fig. 4), removing identified blocks from

Art Unit: 2188

the table (42, Fig. 3, 55, Fig. 4), updating the table to indicate a new oldest media block (54, Fig. 4). See also Abstract, and col. 6 line 5-34.

6. As to claims 2, 12, and 17, identified blocks are added to a pool for reuse (see col. 6 lines 35-39).

7. As to claims 3 and 18, the procedure of Nemes may be considered a data backup program as recited (see col. 4 lines 45-48).

8. As to claims 4, 13, and 19, the steps are repeated as recited.

9. As to claims 5 and 20, the expiration date as recited is disclosed (see col. 6 lines 5-11).

10. As to claims 6, 14, and 21, at least media block, reference block, and expiration date identifiers must be available in the table.

11. As to claims 7, 15, and 22, since the linked list is updated to point to the proper next block in the sequence, the limitation of media block sequence identifier is met.

12. As to claims 8, 9, 23, and 24, any new data stored into a media block may be considered an additional block stored into a most recent media block.

13. As to claims 10 and 25, any amount of data requiring more records for storage retrieves them from the pool as recited (see col. 6 lines 39-45).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No.

6,434,576 B1

Train algorithm evacuates by relinking car sections.

Art Unit: 2188

5,765,175 Removal of deleted entries by collapsing of linked lists.

5,689,707 Expiration events and dependent pointers for de-allocation.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J Portka whose telephone number is (703) 305-4033. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (703) 306-2903. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

Gary J Portka
Primary Examiner
Art Unit 2188



September 9, 2003